

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Public Works *mlm*

BOARD AGENDA # \* C-2

Urgent  Routine

AGENDA DATE March 18, 2008

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt the Results of the Ballot Procedure which Failed to Approve the Formation of the Salida Boulevard Landscape and Lighting District in Compliance with Proposition 218

STAFF RECOMMENDATIONS:

1. Adopt the results of the ballot procedure (Support: 3 ballots, 4,741.88 weighted votes; Protest: 14 ballots, 17,225.19 weighted votes; Incomplete: 3 ballots, 3,715.20 weighted votes), for the formation of the Salida Boulevard Landscape and Lighting District in compliance with Proposition 218.
2. Find that a simple majority of the assessment ballots received protested the proposed method for calculating the annual assessment, and do not approve the formation of the Salida Boulevard Landscape and Lighting District.

FISCAL IMPACT:

The cost of the attempted formation of the Salida Boulevard Landscape and Lighting District (District) to date will be borne by the Department of Public Works.

Since a majority of property owners casting ballots in the Proposition 218 ballot procedure protested the formation of the District, thereby canceling the formation, the anticipated revenue source for landscape maintenance has been eliminated.

Continued on Page 2

BOARD ACTION AS FOLLOWS:

No. 2008-185

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

Approval to Adopt the Results of the Ballot Procedure which Failed to Approve the Formation of the Salida Boulevard Landscape and Lighting District in Compliance with Proposition 218

**FISCAL IMPACT CONTINUED:**

No alternative source of money for generating the required revenue has been identified. Public Works has re-evaluated the design of the landscaping as part of the overall improvement project in light of the lack of funds to maintain landscaping. The re-evaluation was conducted with the objective of eliminating the requirement to maintain landscaping.

Since the District will not be formed, no assessment will be levied on the 52 property owners of the parcels that are in the proposed District.

**DISCUSSION:**

A Proposition 218 ballot procedure was conducted to determine if the Salida Boulevard Landscape and Lighting District (District) would be formed. The assessment ballots and their weighted votes were counted on Tuesday, March 5<sup>th</sup>, at 2:00 PM. A simple majority of the assessment ballots received protested the formation of the District. As a result, the District will not be formed.

Since the District will not be formed, the Department of Public Works has decided on a design approach for the roadway medians in the Salida Boulevard Improvement Project area that will eliminate the need for ongoing maintenance of extensive landscaping. The Department of Public Works has directed the design engineering company on the project to revise the plans to create a swale within the medians, install cobble in the medians only, depress the dirt in the medians to hold the cobble down, and provide sleeves between the medians for future irrigation systems.

**POLICY ISSUES:**

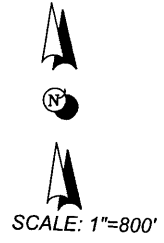
This improvement project supports the Board of Supervisors priority of a well-planned infrastructure system and the efficient delivery of services.

**STAFFING IMPACT:**

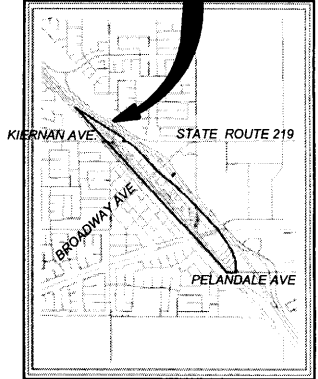
The Department of Public Works has handled the additional workload for the formation of the Salida Boulevard Landscape and Lighting District with existing staff.

# SALIDA BOULEVARD LANDSCAPE AND LIGHTING DISTRICT

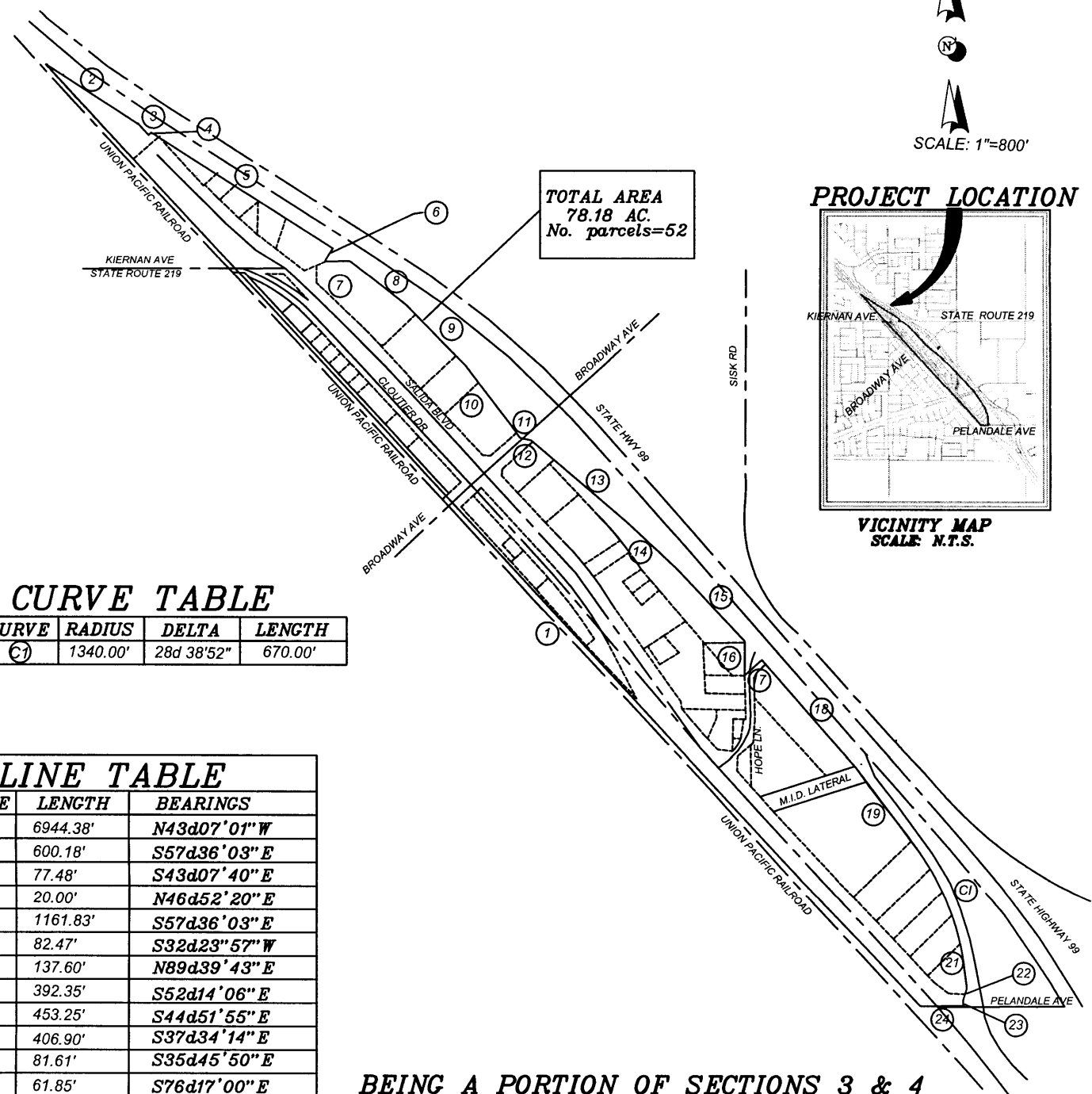
## EXHIBIT "A"



### PROJECT LOCATION



TOTAL AREA  
78.18 AC.  
No. parcels=52



### CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
(C)	1340.00'	28d 38'52"	670.00'

### LINE TABLE

LINE	LENGTH	BEARINGS
(1)	6944.38'	N43d07'01" W
(2)	600.18'	S57d36'03" E
(3)	77.48'	S43d07'40" E
(4)	20.00'	N46d52'20" E
(5)	1161.83'	S57d36'03" E
(6)	82.47'	S32d23'57" W
(7)	137.60'	N89d39'43" E
(8)	392.35'	S52d14'06" E
(9)	453.25'	S44d51'55" E
(10)	406.90'	S37d34'14" E
(11)	81.61'	S35d45'50" E
(12)	61.85'	S76d17'00" E
(13)	669.70'	S49d36'34" E
(14)	380.89'	S47d32'06" E
(15)	533.38'	S43d40'28" E
(16)	181.39'	S00d09'56" E
(17)	123.88'	N48d23'09" E
(18)	770.00'	S41d36'51" E
(19)	546.43'	S37d09'59" E
(21)	148.82'	S08d05'30" E
(22)	70.14'	S15d44'33" E
(23)	30.00'	S00d26'57" E
(24)	234.73'	S89d33'03" W

BEING A PORTION OF SECTIONS 3 & 4  
TOWNSHIP 3 SOUTH, RANGE 8 EAST &  
SECTIONS 33 AND 34 OF TOWNSHIP 2  
SOUTH, RANGE 8 EAST M.D.B.M



DRAWN BY:	NCW	DATE:	12/13/07
CHECKED BY:	LF	DRAWING NO.:	SALIDA
JOB NO.:	2615	SHEET	1 of 1

EXHIBIT "B"

SALIDA BOULEVARD LANDSCAPE AND LIGHTING DISTRICT

All those portions of sections 3 and 4 of Township 3 South, Range 8 East and Sections 33 and 34 of Township 2 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the Northwesterly corner of the Beckwith No. 1 Addition to the City of Modesto filed as Instrument # 54524 on June 19, 1973, said point being on the Southwesterly right-of-way of the Union Pacific Railroad. Thence, North 89°33'03" E 136.00 to a point on the Northeasterly right-of-way of said Union Pacific Rail Road and being the True Point of Beginning of this description. Thence (1) North 43°07'01" West, 6944.38 feet along said Northeasterly railroad right-of-way to a point on the Westerly right-of-way of California State Route 99.

Thence along said Westerly right-of-way The following 21 courses;

Thence, (2) South 57°36'03" East, 600.18'  
Thence, (3) South 43°07'40" East, 77.48'  
Thence, (4) North 46°52'20" East, 20.00'  
Thence, (5) South 57°36'03" East, 1161.83'  
Thence, (6) South 32°23'57" West, 82.47'  
Thence, (7) North 89°39'43" East, 137.60'  
Thence, (8) South 52°14'06" East, 392.35'  
Thence, (9) South 44°51'55" East, 453.25'  
Thence, (10) South 37°34'14" East, 406.90'  
Thence, (11) South 35°45'50" East, 81.61'  
Thence, (12) South 76°17'00" East, 61.85'  
Thence, (13) South 49°36'34" East, 669.70'  
Thence, (14) South 47°32'06" East, 380.89'  
Thence, (15) South 43°40'28" East, 533.38'  
Thence, (16) South 0°09'56" East, 181.39'  
Thence, (17) North 48°23'09" East, 123.88'  
Thence, (18) South 41°36'51" East, 770.00'  
Thence, (19) South 37°09'59" East, 546.43'

Thence (20) Though a curve to the left, concaved to the Southwest, with a central angle of 28°38'52", a radius of 1340.00' feet and a chord distance of 663.04 feet, thence along said curve an arc length of 670.00'

Thence, (21) South 8°05'30" East, 148.82'  
Thence, (22) South 15°44'33" West 70.14'

Thence (23) leaving said Westerly right-of-way of California State Route 99, South  $0^{\circ}26'57''$  East, 30.00' feet to a point on the center line of Pelandale Avenue, also being a point on the said Beckwith No. 1 Addition to the City of Modesto.

Thence (24) South  $89^{\circ}33'03''$  West, 234.73' along said centerline and city limit line to the true point of beginning and containing 78.18 acres of land more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the described land.

### Exhibit "C" Assessment Calculations

APN	Est Existing Acres	Est. Existing Square Footage	Est. Frontage	Parcel Size 20%	Parcel Share 20%	Frontage 60%	Annual Assessment
135-041-009	0.31	13,503.60	-	\$75.41	\$237.69	\$ -	\$313.10
135-041-010	0.31	13,503.60	-	\$75.41	\$237.69	\$ -	\$313.10
135-041-011	0.58	25,264.80	-	\$141.09	\$237.69	\$ -	\$378.78
135-041-012	0.49	21,344.40	-	\$119.20	\$237.69	\$ -	\$356.89
135-041-015	0.12	5,227.20	-	\$29.19	\$237.69	\$ -	\$266.88
135-041-016	0.04	1,742.40	-	\$9.73	\$237.69	\$ -	\$247.42
135-041-018	0.21	9,147.60	-	\$51.08	\$237.69	\$ -	\$288.78
135-041-019	0.22	9,583.20	-	\$53.52	\$237.69	\$ -	\$291.21
135-041-029	2.99	130,244.40	-	\$727.35	\$237.69	\$ -	\$965.04
135-041-033	3.95	172,062.00	-	\$960.87	\$237.69	\$ -	\$1,198.57
135-029-032	5.82	253,519.20	650.33	\$1,415.77	\$237.69	\$ 2,618	\$4,271.59
135-029-036	0.88	38,332.80	158.40	\$214.07	\$237.69	\$ 638	\$1,089.45
135-029-037	1.06	46,173.60	150.00	\$257.85	\$237.69	\$ 604	\$1,099.42
135-029-049	1.34	58,370.40	134.60	\$325.97	\$237.69	\$ 542	\$1,105.54
135-029-050	1.91	83,199.60	180.00	\$464.63	\$237.69	\$ 725	\$1,426.97
135-029-051	1.16	50,529.60	151.00	\$282.18	\$237.69	\$ 608	\$1,127.78
135-041-004	1.71	74,487.60	214.86	\$415.97	\$237.69	\$ 865	\$1,518.66
135-041-005	0.44	19,166.40	80.00	\$107.03	\$237.69	\$ 322	\$666.79
135-041-013	0.37	16,117.20	208.76	\$90.01	\$237.69	\$ 840	\$1,168.13
135-041-014	0.62	27,007.20	79.20	\$150.82	\$237.69	\$ 319	\$707.36
135-041-017	0.26	11,325.60	107.03	\$63.25	\$237.69	\$ 431	\$731.83
135-041-024	2.32	101,059.20	175.28	\$564.36	\$237.69	\$ 706	\$1,507.70
135-041-030	2.49	108,464.40	75.59	\$605.72	\$237.69	\$ 304	\$1,147.72
135-041-031	0.91	39,639.60	125.00	\$221.37	\$237.69	\$ 503	\$962.29
135-041-032	1.20	52,272.00	235.00	\$291.91	\$237.69	\$ 946	\$1,475.68
135-041-034	2.29	99,752.40	472.04	\$557.06	\$237.69	\$ 1,900	\$2,695.12
135-045-033	2.53	110,206.80	519.09	\$615.45	\$237.69	\$ 2,090	\$2,942.92
135-045-055	2.04	88862.40	357.01	\$496.25	\$237.69	\$ 1,437	\$2,171.21
135-045-056	1.83	79,714.80	264.04	\$445.16	\$237.69	\$ 1,063	\$1,745.84
135-045-057	1.14	49,658.40	189.52	\$277.32	\$237.69	\$ 763	\$1,277.99
136-007-016	0.44	19,166.40	660.00	\$107.03	\$237.69	\$ 2,657	\$3,001.79
136-007-017	0.28	12,196.80	114.37	\$68.11	\$237.69	\$ 460	\$766.24
136-007-018	0.45	19,602.00	137.67	\$109.47	\$237.69	\$ 554	\$901.40
136-007-019	0.21	9,147.60	150.00	\$51.08	\$237.69	\$ 604	\$892.65
136-007-020	1.08	47,044.80	660.01	\$262.72	\$237.69	\$ 2,657	\$3,157.51
136-017-005	0.59	25,700.40	97.69	\$143.52	\$237.69	\$ 393	\$774.50
136-017-016	1.34	58,370.40	191.90	\$325.97	\$237.69	\$ 773	\$1,336.22

**Exhibit "C" Assessment Calculations**

APN	Est Existing Acres	Est. Existing Square Footage	Est. Frontage	Parcel Size 20%	Parcel Share 20%	Frontage 60%	Annual Assessment
135-047-023	0.14	6,098.40	102.55	\$34.06	\$237.69	\$ 413	\$684.60
135-047-033	0.41	17,859.60	197.45	\$99.74	\$237.69	\$ 795	\$1,132.33
135-048-028	0.73	31,798.80	452.00	\$177.58	\$237.69	\$ 1,820	\$2,234.96
135-045-045	0.45	19,602.00	229.00	\$109.47	\$237.69	\$ 922	\$1,269.08
135-045-046	0.36	15,681.60	176.00	\$87.57	\$237.69	\$ 709	\$1,033.82
135-045-047	0.27	11,761.20	278.01	\$65.68	\$237.69	\$ 1,119	\$1,422.60
135-045-048	0.28	12,196.80	150.68	\$68.11	\$237.69	\$ 607	\$912.42
135-045-049	0.14	6,098.40	75.00	\$34.06	\$237.69	\$ 302	\$573.69
135-045-050	0.14	6,098.40	75.00	\$34.06	\$237.69	\$ 302	\$573.69
135-045-051	0.14	6,098.40	75.00	\$34.06	\$237.69	\$ 302	\$573.69
135-045-052	0.15	6,534.00	75.00	\$36.49	\$237.69	\$ 302	\$576.12
135-045-053	0.15	6,534.00	75.00	\$36.49	\$237.69	\$ 302	\$576.12
135-045-054	0.14	6,098.40	72.80	\$34.06	\$237.69	\$ 293	\$564.83
135-047-001	0.69	30,056.40	334.60	\$167.85	\$237.69	\$ 1,347	\$1,752.59
135-047-032	0.69	30,056.40	304.00	\$167.85	\$237.69	\$ 1,224	\$1,629.40
<b>50.81</b>	<b>2,213,283.60</b>	<b>9210.48</b>	<b>\$ 12,360.00</b>	<b>12,360.00</b>	<b>\$ 37,080.00</b>	<b>\$ 61,800.00</b>	

### Exhibit "C" Assessment Calculations

APN	Est Existing Acres	Est. Existing Square Footage	Est. Frontage	Parcel Size 20%	Parcel Share 20%	Frontage 60%	Annual Assessment
135-041-009	0.31	13,503.60	-	\$75.41	\$237.69	\$ -	\$313.10
135-041-010	0.31	13,503.60	-	\$75.41	\$237.69	\$ -	\$313.10
135-041-011	0.58	25,264.80	-	\$141.09	\$237.69	\$ -	\$378.78
135-041-012	0.49	21,344.40	-	\$119.20	\$237.69	\$ -	\$356.89
135-041-015	0.12	5,227.20	-	\$29.19	\$237.69	\$ -	\$266.88
135-041-016	0.04	1,742.40	-	\$9.73	\$237.69	\$ -	\$247.42
135-041-018	0.21	9,147.60	-	\$51.08	\$237.69	\$ -	\$288.78
135-041-019	0.22	9,583.20	-	\$53.52	\$237.69	\$ -	\$291.21
135-041-029	2.99	130,244.40	-	\$727.35	\$237.69	\$ -	\$965.04
135-041-033	3.95	172,062.00	-	\$960.87	\$237.69	\$ -	\$1,198.57
135-029-032	5.82	253,519.20	650.33	\$1,415.77	\$237.69	\$ 2,618	\$4,271.59
135-029-036	0.88	38,332.80	158.40	\$214.07	\$237.69	\$ 638	\$1,089.45
135-029-037	1.06	46,173.60	150.00	\$257.85	\$237.69	\$ 604	\$1,099.42
135-029-049	1.34	58,370.40	134.60	\$325.97	\$237.69	\$ 542	\$1,105.54
135-029-050	1.91	83,199.60	180.00	\$464.63	\$237.69	\$ 725	\$1,426.97
135-029-051	1.16	50,529.60	151.00	\$282.18	\$237.69	\$ 608	\$1,127.78
135-041-004	1.71	74,487.60	214.86	\$415.97	\$237.69	\$ 865	\$1,518.66
135-041-005	0.44	19,166.40	80.00	\$107.03	\$237.69	\$ 322	\$666.79
135-041-013	0.37	16,117.20	208.76	\$90.01	\$237.69	\$ 840	\$1,168.13
135-041-014	0.62	27,007.20	79.20	\$150.82	\$237.69	\$ 319	\$707.36
135-041-017	0.26	11,325.60	107.03	\$63.25	\$237.69	\$ 431	\$731.83
135-041-024	2.32	101,059.20	175.28	\$564.36	\$237.69	\$ 706	\$1,507.70
135-041-030	2.49	108,464.40	75.59	\$605.72	\$237.69	\$ 304	\$1,147.72
135-041-031	0.91	39,639.60	125.00	\$221.37	\$237.69	\$ 503	\$962.29
135-041-032	1.20	52,272.00	235.00	\$291.91	\$237.69	\$ 946	\$1,475.68
135-041-034	2.29	99,752.40	472.04	\$557.06	\$237.69	\$ 1,900	\$2,695.12
135-045-033	2.53	110,206.80	519.09	\$615.45	\$237.69	\$ 2,090	\$2,942.92
135-045-055	2.04	88862.40	357.01	\$496.25	\$237.69	\$ 1,437	\$2,171.21
135-045-056	1.83	79,714.80	264.04	\$445.16	\$237.69	\$ 1,063	\$1,745.84
135-045-057	1.14	49,658.40	189.52	\$277.32	\$237.69	\$ 763	\$1,277.99
136-007-016	0.44	19,166.40	660.00	\$107.03	\$237.69	\$ 2,657	\$3,001.79
136-007-017	0.28	12,196.80	114.37	\$68.11	\$237.69	\$ 460	\$766.24
136-007-018	0.45	19,602.00	137.67	\$109.47	\$237.69	\$ 554	\$901.40
136-007-019	0.21	9,147.60	150.00	\$51.08	\$237.69	\$ 604	\$892.65
136-007-020	1.08	47,044.80	660.01	\$262.72	\$237.69	\$ 2,657	\$3,157.51
136-017-005	0.59	25,700.40	97.69	\$143.52	\$237.69	\$ 393	\$774.50
136-017-016	1.34	58,370.40	191.90	\$325.97	\$237.69	\$ 773	\$1,336.22



**Exhibit "C" Assessment Calculations**

<b>APN</b>	<b>Est Existing Acres</b>	<b>Est. Existing Square Footage</b>	<b>Est. Frontage</b>	<b>Parcel Size 20%</b>	<b>Parcel Share 20%</b>	<b>Frontage 60%</b>	<b>Annual Assessment</b>
135-047-023	0.14	6,098.40	102.55	\$34.06	\$237.69	\$ 413	\$684.60
135-047-033	0.41	17,859.60	197.45	\$99.74	\$237.69	\$ 795	\$1,132.33
135-048-028	0.73	31,798.80	452.00	\$177.58	\$237.69	\$ 1,820	\$2,234.96
135-045-045	0.45	19,602.00	229.00	\$109.47	\$237.69	\$ 922	\$1,269.08
135-045-046	0.36	15,681.60	176.00	\$87.57	\$237.69	\$ 709	\$1,033.82
135-045-047	0.27	11,761.20	278.01	\$65.68	\$237.69	\$ 1,119	\$1,422.60
135-045-048	0.28	12,196.80	150.68	\$68.11	\$237.69	\$ 607	\$912.42
135-045-049	0.14	6,098.40	75.00	\$34.06	\$237.69	\$ 302	\$573.69
135-045-050	0.14	6,098.40	75.00	\$34.06	\$237.69	\$ 302	\$573.69
135-045-051	0.14	6,098.40	75.00	\$34.06	\$237.69	\$ 302	\$573.69
135-045-052	0.15	6,534.00	75.00	\$36.49	\$237.69	\$ 302	\$576.12
135-045-053	0.15	6,534.00	75.00	\$36.49	\$237.69	\$ 302	\$576.12
135-045-054	0.14	6,098.40	72.80	\$34.06	\$237.69	\$ 293	\$564.83
135-047-001	0.69	30,056.40	334.60	\$167.85	\$237.69	\$ 1,347	\$1,752.59
135-047-032	0.69	30,056.40	304.00	\$167.85	\$237.69	\$ 1,224	\$1,629.40
<b>50.81    2,213,283.60    9210.48    \$ 12,360.00    12,360.00    \$ 37,080.00    \$ 61,800.00</b>							

**ENGINEER'S REPORT FOR THE SALIDA LANDSCAPE AND LIGHTING DISTRICT  
FISCAL YEAR 2008/2009**

Exhibit "D"

The Assessor's Parcels listed below are subject to the Fiscal Year 2008/2009 annual assessment:

<u>Assessor's Parcel No.</u>	<u>Assessment</u>
135-029-032	\$4,271.59
135-029-036	\$1,089.45
135-029-037	\$1,099.42
135-029-049	\$1,105.54
135-029-050	\$1,426.97
135-029-051	\$1,127.78
135-041-004	\$1,518.66
135-041-005	\$ 666.79
135-041-009	\$ 313.10
135-041-010	\$ 313.10
135-041-011	\$ 378.78
135-041-012	\$ 356.89
135-041-013	\$1,168.13
135-041-014	\$ 707.36
135-041-015	\$ 266.88
135-041-016	\$ 247.42
135-041-017	\$ 731.83
135-041-018	\$ 288.78
135-041-019	\$ 291.21
135-041-024	\$1,507.70
135-041-029	\$ 965.04
135-041-030	\$1,147.72
135-041-031	\$ 962.29
135-041-032	\$1,475.68
135-041-033	\$1,198.57
135-041-034	\$2,695.12
135-045-033	\$2,942.92
135-045-045	\$1,269.08
135-045-046	\$1,033.82
135-045-047	\$1,422.60
135-045-048	\$ 912.42
135-045-049	\$ 573.69
135-045-050	\$ 573.69
135-045-051	\$ 573.69
135-045-052	\$ 576.12
135-045-053	\$ 576.12
135-045-054	\$ 564.83
135-045-055	\$2,171.21
135-045-056	\$1,745.84
135-045-057	\$1,277.99

**ENGINEER'S REPORT FOR THE SALIDA LANDSCAPE AND LIGHTING DISTRICT  
FISCAL YEAR 2008/2009**

Exhibit "D" (continued)

<u>Assessor's Parcel No.</u>	<u>Assessment</u>
135-047-001	\$1,752.59
135-047-023	\$ 684.60
135-047-032	\$1,629.40
135-047-033	\$1,132.33
135-048-028	\$2,234.96
136-007-016	\$3,001.79
136-007-017	\$ 766.24
136-007-018	\$ 901.40
136-007-019	\$ 892.65
136-007-020	\$3,157.51
136-017-005	\$ 774.50
136-017-016	\$1,336.22